

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16101 of 2006

Dated: 07-08-2006

Between:

Jajjara Adishesu and forty two others.

..... PETITIONERS

AND

The Revenue Divisional Officer, Ongole, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners, who are forty-three in number, were assigned agricultural dry land in 1990. They admit that as all the farmers in the neighbourhood converted the agricultural lands into fishing ponds/prawn culture ponds, they also converted their agricultural land into aqua culture ponds and are in possession of the land. Then, the Mandal Revenue Officer(MRO), second respondent herein, initiated action under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, (the Act, for brevity), and passed orders on 30-05-2006 for resumption of the land on the allegation that the petitioners sold their assigned land to M/s Priya Aqua, Beeramgunta Village. Aggrieved by the same, the petitioners preferred an appeal. They also filed an application for stay of the proceedings of MRO. By the impugned order dated

05-06-2006/15-06-2006, the first respondent, while taking the appeal on his file, rejected the prayer for stay of the proceedings of MRO. Against this order, the present writ petition is filed.

The learned counsel for the petitioners strenuously contends that the petitioners themselves are in possession of the land and they never alienated the same to M/s Priya Aqua, Beeramgunta Village. He further submits that MRO, without conducting enquiry and on mere surmise, came to the conclusion that the petitioners contravened Section 3(2) of the Act. He also submits that pending appeal if the stay is denied, there is likelihood of the land being resumed and allotted to other landless poor persons, and in such case the appeal would be rendered useless.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is convinced that as the petitioners were assigned land in 1990 and their possession is not denied, there should be stay of resumption of the land as otherwise the appeal itself would be useless. Further, if the petitioners are not in possession of the land as alleged by MRO, it is always open to him to file a report to the Revenue Divisional Officer (RDO), which shall be taken into consideration even at the time of consideration of appeal. Therefore, there shall be *statue quo* as on today and RDO, first respondent herein, is directed to dispose of the appeal filed by the petitioners, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after conducting enquiry in the locality into the allegation as to whether the petitioners alienated the land to M/s Priya Aqua, Beeramgunta Village.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

7th August, 2006
ghn